

Kirk Russel Marsh

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I am the ☒ Appellant

☐ Attorney for the Appellant and my Utah Bar number is _____

In the ☐ Utah Supreme Court ☒ Utah Court of Appeals

450 South State Street, Salt Lake City, UT 84111

Kirk Russel Marsh
Appellant

v.

Lauren R Marsh
Appellee

**Docketing Statement – Civil Case
(URAP 9(c))**

20260126-CA

Appellate Court Case Number

254402167

Trial Court Case Number

(1) **Nature of the appeal.** This appeal is from the:

☐ final judgment after a trial

☒ final order

☐ default judgment

☐ judgment after order granting summary judgment

☐ an order granting a motion to dismiss

(2) **Important dates.**

○ When was the final judgment of the trial court entered? December 29, 2025

○ When was the Notice of Appeal filed in the trial court? January 23, 2026

- Did you receive an extension of time under Appellate Rule 4(e) to file the Notice of Appeal?

[] Yes [x] No

If yes, when was the Motion for an Extension of Time granted?

- Did you file any of the following motions?

[x] Yes [] No

Motion filed under:	Date motion filed:	Date of orders ruling on the motion:
URCP 50(b)		
URCP 52(b)		
URCP 59		
URCP 60(b)	December 3, 2025	December 29, 2025
URCP 73		
URAP 4(g)		

- Are you an inmate confined in an institution?

[] Yes [x] No

If yes, when was the Notice of Appeal deposited in the institution's internal mail system? _____

- (3) **Claims or parties remaining before the trial court.** Is this appeal taken from an order certified as final under Utah Rule of Civil Procedure 54(b)?

[] Yes [x] No

If yes, what claims and parties remain before the trial court?

- (4) **Issues on appeal.** Separately describe the issue(s) that you plan to argue in your appeal.

1. Whether the trial court erred in finding Appellant in civil contempt without making required findings of present ability to comply and willful noncompliance, as required by statute, Utah case law, and constitutional due process.
 2. Whether the trial court imposed punitive contempt under the guise of coercive civil contempt, where purge conditions were ambiguous, subjective, or impossible to satisfy, thereby triggering criminal contempt protections that were not afforded.
 3. Whether the trial court denied Appellant due process by refusing to conduct an evidentiary hearing on ability to pay, disputed arrearages, and the lawfulness of the underlying orders prior to enforcing them through contempt.
 4. Whether the trial court abused its discretion in awarding attorney fees against an indigent party without segregating enforceable fees from non-enforceable costs and without adequate findings supporting reasonableness.
 5. Whether the trial court erred in holding Appellant in contempt for conduct allegedly associated with a social media account that Appellant does not own or control, rendering compliance impossible.
- (5) **Summary of what happened in the trial court. Briefly describe the facts relating to the issue(s) described above.**

In 2019, I was incarcerated with no income during the pendency of divorce and trial- despite my circumstances, the court awarded Lauren all marital assets and ordered me to pay \$700 per month in child support, in addition to one-half of medical insurance premiums and medical expenses for the minor children.

During my incarceration (and prior to the divorce), my parents gifted Lauren (appellee) \$700 per month directly and--after the 2019 trial-- increased payments to cover additional support-related orders. These payments continued until January 2024. At that time, I had been released from incarceration and was enrolled full-time in a PhD program. My circumstances concerning income and assets are unchanged since the 2019 ruling.

In March 2024, I filed a pro se *Petition to Modify Child Support*, in which I asked the court to modify support orders to follow statutes and rebuttal guidelines. My *Petition* was dismissed in August 2024 for failure to effect service to myself.

In December 2024, Lauren filed a *Motion to Enforce Orders and for Sanctions*. This *Motion* was continued multiple times and ultimately heard in November 2025. Before and during the hearing, I repeatedly requested an evidentiary hearing to address disputed arrearages, ability to pay, lawfulness of the underlying orders, and compliance. Those requests were denied.

The trial court found me in contempt for nonpayment of child support, medical insurance premiums, uncovered medical expenses, and for an alleged violation involving a social media account. The court imposed ambiguous, subjective purge conditions but did not make findings regarding my present ability to comply with the orders or with the purge conditions.

The court awarded Lauren attorney fees in the amount of \$23,048 for substantially prevailing in her *Motion to Enforce*.

On December 3, 2025, I filed a *Motion under URCP 60(b)* seeking relief from a missed objection deadline, requesting the court delay entry of the enforcement orders until the *Motion* was resolved. Although a hearing on the *Rule 60(b) Motion* is set for April 15, 2026, the court signed the orders on December 29, 2025, rendering it moot.

I appeal the contempt findings, the imposed purge conditions, and the award of attorney fees. Without intervention from this Court, I face prospective imprisonment for contempt of orders of which compliance is impossible.

- (6) **Related appeals.** Have there been any appeals in this matter before this appeal? Are there any other appeals related to this appeal?

☐ Yes ☒ No

If yes to either question, provide the appellate court case numbers. If the earlier or related appeal resulted in a written decision, provide the decision citation, if available.

Case Number	Citation (For example, 2015 UT 36 or 2015 UT App 103)

February 12, 2026
Date

Sign here ► */s/ Kirk Russel Marsh*

Typed or Printed Name Kirk Russel Marsh

Certificate of Service

I certify that on February 12, 2026 (date) a copy of this Docketing Statement was served on all parties listed here by the method indicated below:

Mailed	Emailed	Hand-delivered	Name	Mailing or Email Address
☐	☒	☐	Kristy Hanson for Lauren Marsh Zimmer	kristy@mhmlawoffices.com
☐	☐	☐	_____	_____
☐	☐	☐	_____	_____
☐	☐	☐	_____	_____

February 12, 2026

Sign here ►

/s/ Kirk Russel Marsh

Date

Typed or Printed Name

Kirk Russel Marsh